



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

May 26, 2023

Re: FOIA Request NLRB-2023-000329

Dear Brandon Block (Crosscut/KCTS 9):

This is in final response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on November 14, 2022, in which you sought “[a]ll Unfair Labor Practices complaints filed in the state of Washington with the Seattle office between January 1, 2022, and the date this request is completed.” You assumed fees for the processing of your request in the amount of \$5.00 but requested a fee waiver. You also requested expedited processing.

We acknowledged your request on November 14, 2022. Your request for expedited processing was granted on November 22, 2022. By email on November 22, 2022, you were informed that a document “filed” with the Agency is an unfair labor practice “charge” and that a “complaint” is a document “issued” by a Regional Director if, after a regional office investigation, the charge is determined to have merit. Accordingly, your request was processed to pull and review “charges” filed with the Agency. As part of our effort to provide you with records expeditiously, you were sent an initial response on March 2, 2023, providing charges filed from January through May 2022.

For this final response, as with our initial response, searches were conducted in the Agency’s casehandling system for the remaining responsive charges filed in Region 19 with a dispute location in the state of Washington. Thus, I am attaching the final set of records - 651 pages of charges filed between June 1, 2022, and December 31, 2022 (separate PDFs by month). In an exercise of completeness, please note that we are providing you with charges filed through the end of the year.

After a review, I have determined that certain information in the attached charges is exempt from disclosure under Exemptions 6 and 7(C) of the FOIA (5 U.S.C. § 552(b)(6) and (b)(7)(C)). Specifically, redactions have been made to protect the privacy interests of individuals named in the records. These redactions were made pursuant to FOIA Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which pertains to records or

information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C).

Some of the responsive charges are released in full/without any redactions; reasons for this are that an administrative hearing in the case opened before an Administrative Law Judge and the charge was submitted into the record as an exhibit in the hearing, or, the stipulated record was submitted to the Board and the charge became part of the stipulated record, and/or simply that there was no personally identifying information in the charge.

For the purpose of assessing fees, we have placed you in Category C, as a representative of the news media, in that you qualify as a person “actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(vii). Accordingly, there is no charge assessed for this request. Given your placement as a news media requester, your request for a fee waiver is moot.

You may contact Jodilyn Breirather, the FOIA Specialist who processed your request, at (414) 930-7208 or by email at Jodilyn.Breirather@nrlb.gov, as well as the Agency’s FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami, FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

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Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:
<https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt, Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ *Synta E. Keeling*

Synta E. Keeling
FOIA Officer

Attachment: (651 pages)